
IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF UTAH

<p>TITO HASHAKIMANA,</p> <p style="padding-left: 40px;">Plaintiff,</p> <p>v.</p> <p>OFFICE OF RECOVERY SERVICES et al.,</p> <p style="padding-left: 40px;">Defendants.</p>	<p>ORDER ADOPTING REPORT AND RECOMMENDATION</p> <p>Case No. 2:22-cv-00010-JNP-CMR</p> <p>District Judge Jill N. Parrish</p>
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Magistrate Judge Cecilia M. Romero issued a Report and Recommendation, ECF No. 19, that the court grant defendant Office of Recovery Services’ motion to dismiss, ECF No. 14. Judge Romero reasoned that this action should be dismissed under the *Younger* abstention doctrine.

Plaintiff Tito Hashakimana filed an objection to the Report and Recommendation. Although the objection is lengthy and addresses a wide range of subjects, the court was unable to discern any meaningful opposition to Judge Romero’s conclusion that this action should be dismissed under the *Younger* abstention doctrine. *See United States v. 2121 E. 30th St.*, 73 F.3d 1057, 1060 (10th Cir. 1996) (“[A] party’s objections to the magistrate judge’s report and recommendation must be both timely and specific to preserve an issue for de novo review by the district court . . .”). Because the plaintiffs did not articulate any comprehensible objection the Report and Recommendation, any such argument has been waived. *See United States v. One Parcel of Real Prop.*, 73 F.3d 1057, 1060 (10th Cir. 1996). The court will decline to apply the waiver rule only if “the interests of justice so dictate.” *Moore v. United States*, 950 F.2d 656, 659

(10th Cir. 1991). In determining whether the interests of justice require an exception to the waiver rule, the Tenth Circuit has “considered factors such as ‘a *pro se* litigant’s effort to comply, the force and plausibility of the explanation for his failure to comply, and the importance of the issues raised.’” *Duffield v. Jackson*, 545 F.3d 1234, 1238 (10th Cir. 2008). The interests of justice may also require an exception to the waiver rule if the Report and Recommendation is plainly erroneous. *Morales-Fernandez v. I.N.S.*, 418 F.3d 1116, 1120 (10th Cir. 2005).

The court has reviewed the Report and Recommendation and has not identified any plain error contained therein. Nor has the court discerned any other reason to deviate from the waiver rule. Accordingly, the court ADOPTS IN FULL the Report and Recommendation, including its conclusion that this action must be dismissed pursuant to the *Younger* abstention doctrine. The court, therefore, GRANTS the Office of Recovery Services’ motion to dismiss. ECF No. 14. Dismissal is without prejudice.

DATED March 28, 2023.

BY THE COURT


Jill N. Parrish
United States District Court Judge